

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Leeton
<b>PPA</b>	Leeton Shire Council
<b>NAME</b>	Amend zone B3 to allow certain Residential Accommodation
<b>NUMBER</b>	PP_2018_LEETO_001_00
<b>LEP TO BE AMENDED</b>	Leeton LEP 2014
<b>ADDRESS</b>	Leeton CBD (applies to all land zoned B3 Commercial Core)
<b>DESCRIPTION</b>	Multiple lots (applies to all land zoned B3 Commercial Core)
<b>RECEIVED</b>	21 February 2018
<b>FILE NO.</b>	IRF18/1181
<b>POLITICAL DONATIONS</b>	There are no known donations known or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no known meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

Leeton Shire Council proposes to allow for additional residential land uses on land zoned B3 Commercial Core in Leeton CBD.

### Site description

The planning proposal applies to all land that is zoned B3 Commercial Core in Leeton CBD. This land is solely within the Leeton CBD as shown on the maps below. The existing land uses within the zone B3 Commercial Core include a mix of main street retail health services, shopping centres and some existing residential areas along Kurrajong Ave.



### Existing planning controls

The subject land (land zoned B3 Commercial Core) has no minimum lot size, a Floor Space Ratio of 1.25:1, and a max building height of 11.5m.

### Surrounding area

The land zoned B3 Commercial Core adjoins to the north, east and south land zoned R3 medium density which is an established residential area. The west of the commercial core is land zoned IN1 General Industrial.

### Summary of recommendation

It is recommended that the proposal to allow for additional residential land uses in the B3 Commercial Core area be supported given

- There is approximately 43ha of land zoned B3 Commercial Core.
- There are social benefits for the CBD to support additional residential uses to aid in reactivating the commercial core.
- An increase in the number of people living within the CBD provides greater economic viability and flexibility to the existing retail premises.
- The proposed inclusion of an additional zone objective in the zone B3 Commercial Core provides adequate consideration of the retail/commercial use of the land.
- There are several vacant key B3 sites in the Leeton CBD that will benefit from the proposed changes to allow flexibility for certain residential options.

## PROPOSAL

### Objectives or intended outcomes

The objective of the planning proposal is to amend the Leeton LEP 2014 to allow for additional residential accommodation land uses in the zone B3 Commercial Core. The specific residential land uses to include are;

- Dwelling house
- Hostels
- Multi dwelling housing
- Residential flat buildings
- Seniors housing

All other residential accommodation will be prohibited.

### **Explanation of provisions**

The amendments to the Leeton LEP 2014 involves 4 components.

1. Add an additional objective to the zone B3 Commercial Core – *to enable development of land in this zone for residential purposes if adequate amenity will be provided for residents of residential buildings and the land will not be required for commercial or retail use.*
2. Insert the land use terms; dwelling houses, hostels, multi dwelling housing residential flat buildings and senior housing into part 3 of the zone B3 Commercial Core land use table.
3. Remove the parent term, residential accommodation from part 4 Prohibited in the zone B3 Commercial Core land use table.
4. Insert the following land use terms in part 4 Prohibited; attached dwellings, boarding houses, dual occupancies, group homes, rural workers dwellings, secondary dwellings and semi-detached dwellings.

### **Mapping**

The proposed amendment is for alteration to the written instrument only – no LEP mapping amendments are required.

## **NEED FOR THE PLANNING PROPOSAL**

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Council has recently undertaken a Leeton Central Business District Enhancement Program Project to revitalise and re-energise the CBD. As part of this project community consultation identified the need for additional residential with in the CBD commercial core.

The planning proposal is required to amend the zone B3 Commercial Core land use table to allow for certain additional residential land uses.

## **STRATEGIC ASSESSMENT**

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### **Regional Plan**

The planning proposal is generally consistent with the Riverina Murray Regional Plan 2036 in that it is providing for a diversification of housing product (direction 26) and also building resilience in towns and villages by supporting the revitalisation of the CBD (Direction 23).

## **Local**

Leeton Shire Council had recently undertaken a Leeton CBD Enhancement Program Project which is designed to support the revitalisation of the CBD. In response to community consultation undertaken as part of the development of this CBD Project, it was identified that Council should seek to re-activate parts of the CBD by permitting residential accommodation. Subsequently Council has submitted a planning proposal to facilitate additional residential land uses in the CBD area.

The planning proposal is consistent with the Leeton Community Strategic Plan and it's vision.

Leeton Shire Council does not have an endorsed Land Use Strategy.

## **Section 9.1 Ministerial Directions**

The planning proposal is consistent with the section 9.1 Ministerial Directions. The proposal is inconsistent with the following Direction.

### Direction 1.1 – Business and Industrial Zones:

This Direction is relevant as the proposal will allow for additional non-employment generating land uses on land zoned B3 Commercial Core. This potentially may impact on the employment floor space. The Secretary's delegate can be satisfied that the inconsistency has been justified adequately as being of minor significance given the intent of the proposal is to revitalise and provide for a stronger economic functioning of the Leeton CBD. Additionally, the planning proposal will not reduce the available zoned land for employment generating land uses. No further work is required.

## **State environmental planning policies**

The proposal is not inconsistent with any relevant SEPPs. The proposal is consistent with the objectives of the SEPP (Housing for Seniors & People with a Disability) 2004.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

The intent of the planning proposal is to revitalise and encourage activity within the Leeton CBD. By permitting certain additional residential housing options close to the Leeton CBD it will provide greater quality of life with access to services, transport, social interaction and health care.

### **Environmental**

There are no known likely environmental impacts that will result from this planning proposal give the amendment applied to exiting urban setting. No critical habitat has been identified within the Leeton CBD.

## **Economic**

The planning proposal is intended to work towards delivering outcomes identified in the Leeton CBD Enhancement Program Project. By allowing for additional residential land uses in the CBD, there is potential to increase economic activity by increasing in-precinct living options. Additionally, Leeton experiences seasonal housing shortages during the peak production periods and allowing for a diversified housing product within the CBD will provide economic benefits for the surrounding agribusinesses. The proposal will allow flexibility for key vacant sites in the Leeton CBD.

## **Infrastructure**

It is not envisaged that the proposal will require or have significant impact on the State or local infrastructure services in the area.

## **CONSULTATION**

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### **Community**

While the proposal can be considered of a minor nature the community consultation of 28 days is appropriate. Council proposes to give public notice of the planning proposal in the local newspaper as well as on the Leeton Shire web site which is adequate.

### **Agencies**

No agency consultation is required.

## **TIME FRAME**

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The planning proposal does not propose any timeframe to complete the proposal. The timeframe the planning proposal is recommended to be 12 months.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan-making authority. Considering the nature of the planning proposal, Council should be authorised to be the local plan-making authority.

## **CONCLUSION**

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The planning proposal is supported to proceed with conditions.

## **RECOMMENDATION**

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It is recommended that the Director Regions, Western as delegate of the Minister of Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan.





3.4.18

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